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REMARKS

At the time of the Office Action, Claims 1-37, 53 and 54 were pending in this Application. Claims 1-37, 53 and 54 were rejected. Claims 38-50 were cancelled due to earlier election/restriction requirements. In this response claims 1 and 53 are amended. Claims 1-37, 53, and 54 are pending. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 101

The Office action states:

> 3.   Claims 1 and 53 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite a "personal base process" on a computer system/network. Paragraph 65 lines 2-5 of Applicants specification mention that the "bases can be implemented entirely in software". Therefore it is clear that a possible embodiment of the invention can be a program per se, which is not directed to a process occurring as a result of executing the program on an actual physical machine. For a claim like this to be statutory, an actual hardware device is required (as mentioned in paragraph 65 lines 6-8), where the device is programmed to operate in accordance with the program in order to realize the functionality of that program. These claims do meet this criterion and are therefore deemed non-statutory.

> 4.   Furthermore, claim 53 recites "tangible medium". Applicant is requested to remove this limitation since the specification does not define it and its statutory scope can not be determined from the specification. An acceptable word replacement can be "hardware".

Applicants have amended claims 1 and 53 to clarify that the claims are directed to statutory subject matter.

Rejections under 35 U.S.C. §§ 102 and 103

The Office action states:

> 6.   Claims 1-5,8-10,12-33,35-37,53 and 54 rejected under 35 U.S.C. 102(e) as being anticipated by Gershman et al (US Patent No 6,401,085).

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7.   In reference to claims 1,53 and 54, Gershman teaches a
personal base process on a computer system, a computer program
on a computer network, and an information handling system, all
respectively comprising:

a personal base instance on at least one of said nodes on said
computer system, said personal base instance being constructed
and arranged to communicate with a user (column 39 lines 2747,
Gershman discloses a browser user interface for user persona
interaction);

a personal base server on at least one of said nodes on said
computer system, said personal base server being constructed and
arranged to communicate with said personal base instance and at
least one of said nodes of said computer system other than said
user (Figure 10A and column 39 lines 53-67, Gershman discloses a
web server 1020 communicating with the browser and other
network nodes); and

wherein: the personal base instance is configured to:

communicate with the personal base server (column 40 lines36-37,
Gershman discloses browser communicating with web server);

communicate with a plurality of third parties (column 40 lines 43-
52, Gershman discloses communicating with content providers);
and communicate with the user (column 40 line 38, Gershman
discloses user communicating with the browser);

wherein:

the personal base instance is configured to communicate with the
plurality of third parties through the personal base server (column
40 lines 43-52, Gershman discloses communicating with content
providers); and

the user does not communicate with the personal base server
(column 40 line 38, Gershman discloses user communicating with
the browser).

Office action, at 3-4.

Applicants disagree. Claim 1 requires, in part, "a personal based instance on at least one

of said nodes on said computer system . . . the personal base instance is configured to:

communicate with the personal base server; communicate with a plurality of third parties; and

communicate with the user; wherein: the personal base instance is configured to communicate

wit the plurality of third parties though the personal base server; and the user does not

communicate with the personal base server." Gershman's web browser is not a claimed

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"personal base instance." Such a mapping would cause the user to interact with the personal base server (*e.g.,* Gershman's web server), which is specifically exempted by the claim ("the user does not communicate with the personal base server"). Furthermore, the impossibility of this mapping is shown by dependent claim 24, which states that "communication between said personal base instance and said user is via a Web page." In order to satisfy claim 24, the web server would have to run on the personal base instance, not on the personal base server as in Office action's mapping. For at least these reasons, Gershman fails to disclose each element of independent claims 1, 53, and 54. Each of the dependent claims are allowable over the art of record at least because they depend from an allowable claim.

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CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of Claims 1-37, 53 and 54.

Applicant does not believe any fees are necessary with the submitting of this response. Should any fees be required, Applicant requests that the fees be debited from deposit account number 02-0383.

Respectfully submitted,

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